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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR    | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-------------------------|---------------------|------------------|
| 10/538,708      | 04/06/2006  | Jacobus Francois De Wet | KBP-0001            | 6794             |

23413 7590 03/12/2007  
CANTOR COLBURN, LLP  
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| EXAMINER |
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JOHNSON, STEPHEN

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| ART UNIT | PAPER NUMBER |
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3641

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 03/12/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/538,708

Applicant(s)

DE WET, JACOBUS FRANCOIS

Examiner

Stephen M. Johnson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15,17,18,20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15,17,18,20 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/2005.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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1. Claims 10-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 10 and 12-14, the word "means" is preceded by the word(s) "door" or "window" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

The term "high" in claim 11 is a relative term which renders the claim indefinite. The term "high" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Use of the term "high" makes the claim indefinite as to what degree of tensile strength is intended to be included or excluded by such terminology.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 8-10, 12, 14-15, 17, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Speakes et al. (721).

Speakes et al. (721) disclose a protective apparatus comprising:

- |  |                   |
|--|-------------------|
| a) a vehicle to be protected;          | body of aircraft  |
| b) a cabin with doors and windows; and | cabin of aircraft |

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- c) a protective apparatus including a structure of generally 10  
concave shape with associated apex.

4. Claims 1-6, 8-10, 12, 14, 17, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by McKee (910).

McKee (910) discloses a protective apparatus comprising:

- a) a vehicle to be protected; col. 12, lines 44-46
- b) a cabin with doors and windows; and col. 12, lines 44-46
- c) a protective apparatus including a structure of generally A or A12 or A13  
concave shape with associated apex.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKee (910) in view of Wynne (757).

McKee (910) applies as previously recited. However, undisclosed is a trapezoid shaped armor element. Wynne (fig. 9 and claim 5) teach a trapezoid shaped armor element. Applicant is substituting one shaped armor element in an analogous art setting as explicitly encouraged by both the primary and secondary references (compare figs. 2, 3, 4, and 9 of McKee; and fig. 9 and claims 3-7 of Wynne). It would have been obvious to a person of ordinary skill in this art at the time of the invention to apply the teachings of Wynne to the McKee protective apparatus and have a protective apparatus with a different shaped armor element.

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7. Claims 1-2, 5, 8-12, 14, 17-18, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Legueu (695).

Legueu (695) discloses a protective apparatus comprising:

- a) a vehicle to be protected; see fig. 1
- b) a cabin with doors and windows; parts 1 and 2 include
- c) a protective apparatus including a structure of generally part 2 (see fig. 2)  
trapezoid shape with associated apex; and
- d) a steel cabin. page 1, lines 11 and 85-105

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Legueu (695) in view of Appelblatt et al. (282).

Legueu (695) applies as previously recited. However, undisclosed is a vehicle cabin window that includes a window containing bullet resistant glass. Appelblatt et al. (col. 3, lines 20-22) teach a vehicle cabin window that includes a window containing bullet resistant glass. Applicant is substituting one type of window glass for another in an analogous art setting. It would have been obvious to a person of ordinary skill in this art at the time of the invention to apply the teachings of Appelblatt et al. to the Legueu protective apparatus cabin and have a protective apparatus cabin with a particular type of window glass.

9. Claims 1-2, 5, 8-10, 12-14, 17-18, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Appelblatt et al. (282).

Appelblatt et al. (282) disclose a protective apparatus comprising:

- a) a vehicle to be protected; see fig. 6
- b) a cabin with doors and windows; see figs. 1, 5

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c) a protective apparatus including a structure of generally see fig. 6 (22, 24, 28)

concave trapezoid shape with associated apex; and

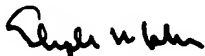
d) a window of protective glass.

44; col. 3, lines 19-23

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 571-272-6877 and whose e-mail address is ([Stephen.Johnson@uspto.gov](mailto:Stephen.Johnson@uspto.gov)). The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The Central FAX phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 800-786-9199.



**STEPHEN M. JOHNSON**  
**PRIMARY EXAMINER**

Stephen M. Johnson  
Primary Examiner  
Art Unit 3641

SMJ  
December 19, 2006